

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENICO INC.,

Plaintiff,

v.

IOENGINE, LLC,

Defendant.

IOENGINE, LLC,

Counterclaim Plaintiff,

v.

INGENICO, INC., INGENICO CORP., and
INGENICO GROUP S.A.,

Counterclaim Defendants.

**JOINT MOTION TO SEAL AND REDACT
PORTIONS OF THE TRIAL TRANSCRIPTS**

Defendant and Counterclaim Plaintiff IOENGINE, LLC (“IOENGINE”) and Plaintiff and Counterclaim Defendants Ingenico, Inc., Ingenico Corp., and Ingenico Group S.A. (collectively, “Ingenico”) by and through their undersigned counsel, and pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and this Court’s Policy on the Electronic Availability of Transcripts of Court Proceedings, hereby move to redact a limited portion of the transcripts of the jury trial held before Judge William C. Bryson in this action from July 11, 2022 through July 15, 2022, and to seal the unredacted transcripts. The proposed redactions are attached hereto as Exhibit A. Unredacted copies of the relevant transcripts are attached hereto as Exhibit B.

In support of this Joint Motion, IOENGINE and Ingenico state the following:

1. IOENGINE states that certain portions of the July 11, 2022, July 13, 2022, and July 15, 2022 trial transcripts disclose highly confidential details of IOENGINE's confidential commercial licenses and agreements, confidential product development details, and other confidential and proprietary information. *See Mylan Inc. v. SmithKline Beecham Corp.*, 723 F.3d 413, 415 n.3 (3d Cir. 2013) (documents may be sealed "to protect the parties' confidential proprietary business and competitive interests."); *Mosaid Techs. Inc. v. LSI Corp.*, 878 F. Supp. 2d 503, 511 (D. Del. 2012) ("Courts also typically permit redacting information...that relates to...confidential technologies."); *Joint Stock Soc'y v. UDV N. Am., Inc.*, 104 F. Supp. 2d 390, 396 (D. Del. 2020) ("sensitive commercial information is entitled to confidential protection," including "corporate strategies, sales plans, and pricing information."); *see also Littlejohn v. Bic Corp.*, 851 F.2d 673, 678 (3d Cir. 1988) (public access to judicial records is not absolute).

2. The portions of the trial transcripts that IOENGINE seeks to redact are as follows:

- a. July 11, 2002 Trial Transcript at 167:22-25; 168:7-19; 168:21-169:1; 169:9-23; 179:17; 179:20; 179:21; 179:22; 180:22; 181:22; 183:8; 184:14-16; 215:20-25; 216:5-6; 216:12; 216:23; 217:5-6; 217:12; 217:15-16; 218:5-9; 218:15-17; 219:12-13; 220:2-5; 230:4-5; 274:7-8; 275:6-7; 275:10-15; 275:19-20; 276:2; 283:16-20.
- b. July 13, 2022 Trial Transcript at 707:6.
- c. July 15, 2022 Trial Transcript at 1333:13; 1333:16-17; 1334:1.

3. Ingenico states that it does not oppose IOENGINE's request to redact the information described in Paragraphs 2.a – 2.c.

4. Ingenico states that certain portions of the July 12, 2022, July 14, 2022, and July 15, 2022 trial transcripts disclose highly confidential details of Ingenico's confidential sales

and revenue data, confidential source code, and other confidential and proprietary technical information. *See Mylan*, 723 F.3d at 415 n.3 (documents may be sealed “to protect the parties’ confidential proprietary business and competitive interests.”); *Mosaid Techs.*, 878 F. Supp. 2d at 511 (“Courts also typically permit redacting information...that relates to...confidential technologies.”); *Joint Stock Soc ’y*, 104 F. Supp. 2d at 396 (“sensitive commercial information is entitled to confidential protection,” including “corporate strategies, sales plans, and pricing information.”); *see also Littlejohn*, 851 F.2d at 678 (public access to judicial records is not absolute).

5. The portions of the trial transcripts that Ingenico seeks to redact are as follows:

- a. July 12, 2022 Trial Transcript at 452:6-9; 452:20-24; 453:2-13; 456:14-20; 480:9-15; and 524:14-17.
- b. July 14, 2022 Trial Transcript at 981:15-18; 981:24-25; 982:18-22; 983:19-23; 985:23-25; 986:1-7; 986:17-987:10; 987:13-17; 996:23-25; 998:6-9; 1032:18-24; 1033:23; 1034:15-19; 1034:22-1035:3; 1035:14-18; 1036:4-16; 1037:1-4; 1037:14-17; 1037:23-1038:3; 1038:5-7; 1038:17-21; 1039:2-8; 1039:17-20; 1040:2; 1040:11-14; 1040:23-1041:9; 1041:22-1042:8; 1043:20-1044:8; and 1076:17-19.
- c. July 15, 2022 Trial Transcript at 1313:3-11 and 1417:25-1418:1.

6. IOENGINE states that it does not oppose Ingenico’s request to redact the information described in Paragraphs 5.a – 5.c.

7. In view of the foregoing, IOENGINE and Ingenico respectfully submit that the requested sealing and redactions are appropriate, as good cause exists and any harm outweighs the public’s interest in having access to this information.

Dated: August 25, 2022

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